

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

BRENT NIX, <i>et al.</i>)	Case No.: 7:17-CV-00189-D
)	
Plaintiffs,)	
)	
v.)	
)	
THE CHEMOURS COMPANY FC, LLC, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	
)	
CAPE FEAR PUBLIC UTILITY)	Case No.: 7:17-CV-00195-D
AUTHORITY,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE CHEMOURS COMPANY FC, LLC, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	
ROGER MORTON, <i>et al.</i> ,)	Case No.: 7:17-CV-00197-D
)	
Plaintiffs,)	
)	
v.)	
)	
THE CHEMOURS COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	
)	

VICTORIA CAREY, <i>et al.</i> ,)	Case No.: 7:17-CV-00201-D
Plaintiffs,)	
v.)	
E.I. DU PONT DE NEMOURS AND COMPANY, <i>et al.</i> ,)	
Defendants.)	
<hr/>		
BRUNSWICK COUNTY)	Case No.: 7:17-CV-00209-D
Plaintiff,)	
v.)	
DOWDUPONT, INC., <i>et al.</i> ,)	
Defendants.)	
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**PROTECTIVE ORDER REGARDING THE COLLECTION OF
WATER SAMPLES FROM THE FAYETTEVILLE WORKS FACILITY**

Pursuant to the Court's May 25, 2018 Order, the parties submit this proposed Protective Order addressing and governing the Plaintiffs' three sampling events ("Sampling Events") at the Chemours Fayetteville Works facility (the "Facility").

The following provisions shall apply to all Plaintiffs and their counsel in the above-captioned actions ("Actions"), as well as to their consultants, laboratories and any third party involved in the collection, analysis or permitted use of the information set forth in Paragraph 2.

1. Plaintiffs will be permitted to sample each of the five (5) process streams on three (3) separate occasions.

2. Plaintiffs' use of information obtained by virtue of the Sampling Events (including, but not limited to, the analytical results and data analysis of the Sampling Events), shall be solely for: (i) the litigation of the claims and/or potential future claims in the Actions; (ii) any appeal therefrom; and (iii) in the case of the water authorities, conducting pilot studies for purposes of evaluating treatment technologies with respect to the Cape Fear Public Utility Authority and Brunswick County plaintiffs. Plaintiffs shall not disseminate information obtained pursuant to the Sampling Events for any other purpose, absent leave of Court. In the event Plaintiffs intend to include information obtained from the Sampling Events in any Court proceeding, such information will be submitted under seal pursuant to the Court's local rules or as otherwise directed by the Court.

3. Photography and videography shall be allowed to document the Sampling Events. No videotaping or photography shall be taken of anything other than the recording of the physical process of the personnel collecting and handing the samples to Plaintiffs. Said photography and videography shall only be used for the litigation and shall be deemed "confidential" and shall only be shared with consultants, and experts, absent leave of court. A copy of said photography and videography shall be provided to Defendants. There shall be no interviews or other communications with any Facility employee or other on-site personnel during the Sampling Events.

4. All parties, *i.e.*, both Plaintiffs and Defendants, agree, without undue delay, to exchange the full analytical results and methods from each of their respective laboratories (after standard quality assurance / quality control (QA/QC) practices) for each sample and each analyte. The parties agree to mutually and simultaneously exchange the sampling results for

each of the three separate sampling dates after all parties are in possession of the analytical results from their respective laboratories.

5. Nothing contained in this Protective Order shall waive any arguments and defenses the parties may have as to the admissibility, weight, integrity, and interpretation of the analytical results if offered as evidence in these Actions or any other legal proceeding.

SO ORDERED. This 1 day of June, 2018.



JAMES C. DEVER III
Chief United States District Judge

Dated: June 1, 2018

Respectfully submitted by:

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